

Arrest # 1 -Assault-

Criminalization of a human rights
defender

...while raising issues of Construction Fraud
involving Public Housing contracts

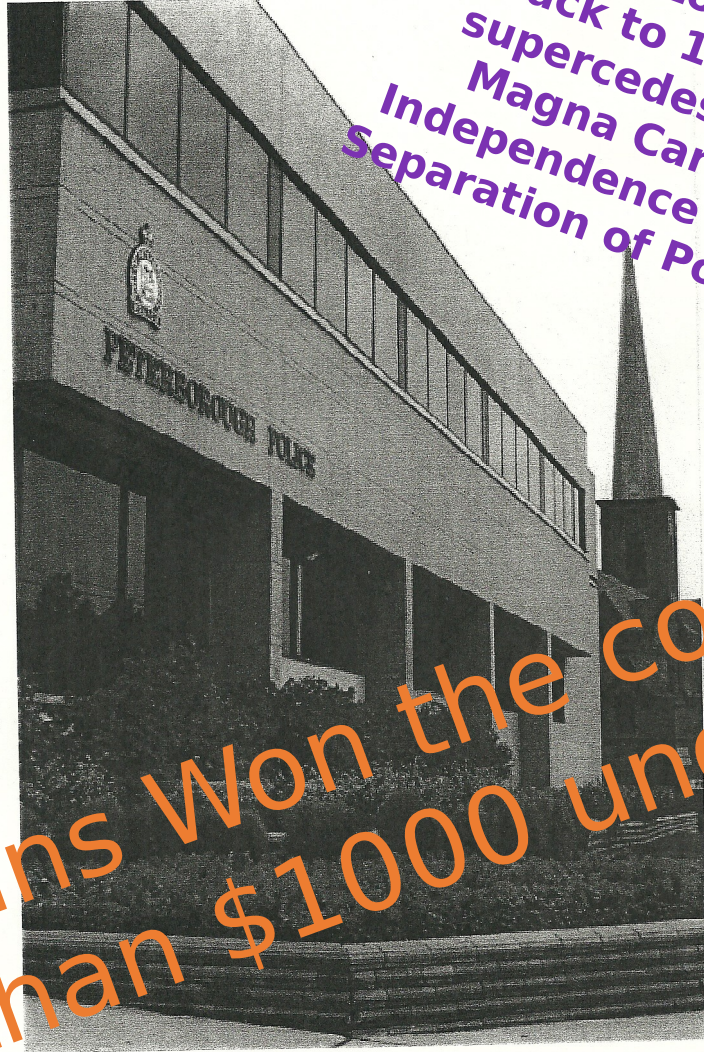
CONFLICTS OF PUBLIC INTEREST



Police Officer
Andrew HATTON



Judge
Mary Jane HATTON



The Peterborough Police Building
Architects: Craig, Zeidler, & Strong
Builder: Charles Huffman, Ltd.
Year: 1976

62 The Huffmans — A Family of Builders

Family Loyalty
back to 1877,
supercedes the
Magna Carta,
Independence & the
Separation of Powers

Huffmans Won the contract
less than \$10000 under bid

Mrs. I. Lamin	Dr. Baucher	Mrs. Brown	Pew Plan 1877		S. White	J. Bennet	Mrs. Wrighton
66	67	68			63	64	65
F. Birney	E. Poole	E. Stapleton			Mrs. Cludon	H. Denne	Ulyott
Mrs. Hamilton	Mrs. Durand	W.E. Sherwood			62	61	60
H.C. Rogers	A.P. Bousette	G. Z. Bunnam			J. Jenkins	G. Stuart	G. Stethem
G. W. Rubie	Coop	Long			59	58	57
Rountree	Loery	Mrs. Crow			J. Best	G. Shaw	Mrs. R. Walton
A. Dawson	E. Bakewell				56	55	54
					J. E. Belcher	Mr. Lough	A. Huffman
							Skipwith
							Boswell
							Mrs. Hudson
							J. Craig
							Britton
							Cook

J. Wallis	5	Choir		C.S. Didman
	6			2 Rev. Beck
	7			3 T. Welsh
	8			4

Gallery (after 1877)

The judge was on City Council at time of Bidding Process The building contractor's family are also former Council members

SERVICE RECORD OF COUNCILLORS - FAMILY BLOODLINES CONNECTED TO ARREST 1 + APPEAL

[Link to full list](#)



1928- 1930	HUFFMAN	Alderman	Building Contractor's family
1955-1957	Comstock, J.	Alderman	resigned November 1957 to run for Mayor FUNERAL HOME owners Fire victim
1975-1985	Harris, J. H.	Alderman	ex-husband's business neighbour @ plaza across from fire site
1986-99	Leal, Jeffrey	Alderman	
200?-2003	Leal, Jeffrey	Councillor	Called Police for any Office visits
1992-1997	Peeters, Patti S.	Alderman	
2007-2010	Peeters, Patti S.	Councillor	FaceBook attacks over Housing Fraud opinion



1966-1968	*Collins, Leonard T. G.	Alderman	Arrest 1 Judge, in position to RIG the BID for Housing Complex contract
1913-1915	Green, G. W.	Alderman	
1917-1919	Taylor, W. H.	Alderman	Arrest 1 witnesses Bloodlines
1922-1923	Taylor, W. H.	Mayor	
1912	Brown, J. B.	Alderman	
1912	Morgan, H. W.	Alderman	Appeal Judge's Bloodlines

*They are all motivated
by family loyalty & greed
to conceal
the construction fraud affecting
"city" housing*

**Prosecution Witness
Families**

**Senior Judge Brown & Judge Morgan
will abuse process on appeal
denying an acquittal**

THURSDAY, JUNE 4, 2009

MS. EBERHARD: The last matter is matter number one, Andrea Armstrong. I wonder if she might be paged, Your Honour.

THE COURT: Please call for Andrea Armstrong.

...PAGING ANDREA ARMSTRONG.

THE COURT: The matter of Andrea Armstrong. Ms. Armstrong, you are conducting your own defence, are you?

ANDREA ARMSTRONG: I'm going to try to. I do have a Rowbotham Application ready to serve, if I need to. Like to reserve the right to serve that one.

THE COURT: Serve what kind of application?

ANDREA ARMSTRONG: A Rowbotham Application for being refused legal counsel and I do not have the means of paying for it because I'm on ODSP.

THE COURT: Do you have the letter of refusal with you?

ANDREA ARMSTRONG: Several. I think that's all.

THE COURT: Have a seat.

ANDREA ARMSTRONG: Is it all right if I have water? I'm on medication that I need to - I've got a bottle here, too.

THE COURT: Bring your application. Just hold those. Do not give them back yet.

ANDREA ARMSTRONG: I did the best I could. I'm not sure if the things are in the right

Defense: *Motion for Counsel*

The defendant does her best with her limited knowledge of court procedure. The case is far too complex and abusive to face unrepresented.

**Judge has a duty to ensure a fair trial
yet
clearly fails miserably throughout**

A news reporter will explain at the end of this day that:

**“ THEY ARE ALL
CONNECTED ”**

Transcript Heavily Edited

One of the lawyers advised the defendant not to testify, one of the few bits advice she could drag out of them.

At the beginning of the trial the defendant was requested to swear an oath, despite that she made it clear she had no intention of testifying. (violating her right not to testify)

She refused to swear an oath on the same Bible the prosecution witnesses were about to also swear an oath on and then commit perjury.

The defendant then raised the local joke around town:

***“ If there really was a God that Bible would have burst into flames years ago”
and added that “It seems like you are all just trying to shut me up about the fatal fire.”***

The defendant asked for any other religious book, Buddhist, Jewish, etc but none were available.

Religious freedom was not available, and seen as disrespecting the court for making such a request.

The court then interrupted my trial bringing in a in-custody case to be spoken to, so that they could reset the trial and start over.

“Paging Andrea Armstrong” they knew fine well I was right there, I had just affirmed over swearing an oath, much to the judge’s chagrin,
the paging was a formality for their false narrative.

When making the Judicial Council complaint [to avoid paying full cost of transcript prep] the defendant was warned that legal errors tend to suspiciously disappear, so to leave the worst errors out. That was excellent legal advice, indicating that even the lawyers distrust the judicial council’s ability to perform the function taxpayers are falsely led to believe they are funding. Pretty much everything about the complaint disappeared from the transcript and was claimed “private.” A judge involving himself in a Section 465 (b) conspiracy is of massive public interest. The defendant then faces a second arrest (later acquitted) due to fraudulent accusations made by former Attorney General staff employed by the Judicial Council (No

clearly written laws in their courtroom and then get to cover up their misdeeds by having secret access to the official transcripts such as Justice Marvin Zuker in a Toronto court matter.

Let me only say in closing that as a citizen of Ontario, I am absolutely disgusted with the way in which the court system has handled my matter regarding my court transcripts. It is nothing but an abuse of power and control. The current process reeks of cover-up and lack of accountability.

There would appear to be an abundance of information where other citizens of Ontario have encountered the same problem with court transcripts being altered by judges. Justice Marvin Zuker made front page news when he got caught fixing transcripts and from what I have heard in the public domain, court transcripts are being altered in other courts in Ontario. Some recent references to the problem of “fixing” court transcripts can be easily found on the internet:

<http://www.vimeo.com/4549754>

<http://www.vimeo.com/1858526>

<http://www.vimeo.com/843808>

The fact that complaints about transcripts in our courts being “fixed” by the judges continue to come in is unacceptable considering the fact that a special panel was appointed by a former Attorney General, Michael Bryant, with the mandate to look into this problem just a few years ago and in their report “Justice and the Media” reaffirmed the rights of citizens of Ontario to record their own court hearing. The Justice and the Media report is posted on your own website at:

<http://www.paneljusticeandmedia.jus.gov.on.ca/pjm/en/rpjm-EN.pdf>

Why does the Attorney General’s Office continue to ignore a report by its own appointed expert panel which including lawyers, media experts and judges? The recommendations in this report clearly will help to promote justice, offer greater protection to the people of Ontario and significantly improve on the justice system in Ontario. Why is the Government of Ontario not implementing these recommendations for the benefit of all citizens of Ontario? Why does the Attorney General’s Office of this Province continue to allow the judges in Ontario to violate the law with impunity and to allow the judges to trample on the rights of the citizens of Ontario which are clearly written in law. The Attorney General’s office is supposed to be working to protect the

In Arrest #3 the
defendant will be charged
with recording in court
and further criminalized for it with
trumped up assault charges

Unrepresented defendants have an
even stronger right to record when
facing abuse [Life, liberty & security]

They will still doctor the
audio & court transcripts

places.

THE COURT: We will see. Is the Crown aware of this anticipated application?

MS. EBERHARD: Your Honour, I did not receive any word from Ms. Armstrong, herself, though we did have conversations on the phone and I did hear through duty counsel here that this type of application may be brought. I haven't received any papers of the application. I don't....

THE COURT: Then I will rise for 20 minutes to enable you to review the documentation so you know what sort of position the Crown should take on this.

MS. EBERHARD: Thank you very much.

THE COURT: Twenty minutes. Thank you.

R E C E S S

U P O N R E S U M I N G :

THE COURT: Thank you.

MS. EBERHARD: Thank you, Your Honour, for the time to examine the application before the court. This Crown's position is that we are ready to proceed with trial. We have the constable and the three witnesses here. We are ready to proceed. That being said - and in our - my respectful submission, the issue of assault is, in my respectful submission, fairly simple. However, I do know from my correspondence with Ms. Armstrong that there are other issues that she wishes to bring in

Duty counsel refuses to assist an unrepresented at trial. The defendant did not choose to be unrepresented, the lawyers refuse to assist claiming conflicts for representing the complainant in the past

(for criminal charges not disclosed)

Prosecutor claims they are ready to proceed despite the mandatory disclosure is grossly lacking and should be sent back for the pre-trial they skipped over

“Issue of assault is...fairly simple” yet the appeal lawyers “can not say anything they did right” due to the numerous procedural and charter violations contained in this transcript

3.
Submissions by Ms. Eberhard
Submissions by Andrea Armstrong

5
10
15
to bear and she has outlined some constitutional issues which, until this date, I have been unaware of. I've consulted some colleagues on this matter and, because it involves binding, basically, if Your Honour grants this application, binding the Attorney General to, basically, pay the costs of a lawyer should one be appointed, that I should get direction from my superiors in our office, that being Mr. Gilkinson. Mr. Gilkinson is in Superior Court trial today. I'm unable to get a hold of him for this matter. So if Your Honour wishes to entertain an adjournment on this application and I can seek some direction from my superiors, that would be appreciated. If Your Honour wishes to proceed, again, the Crown is ready to proceed with the trial proper. I leave it in Your Honour's hands.

20
THE COURT: Thank you. Ms. Armstrong, why is this case so complex that...

ANDREA ARMSTRONG: Well,...

THE COURT: ...counsel should be appointed?

25
ANDREA ARMSTRONG: ...on April 6th, I sent a letter to the Crown Attorney and in the middle of this paragraph, it says, "This letter serves as notice of constitutional issue."

Then it took me about....

THE COURT: Under what section?

30
ANDREA ARMSTRONG: Um, well, then it took me time to learn how to do the proper application. Without a lawyer, that was very difficult and then that's when I came up with

The application is likely far from proper so the defendant explains her difficulty in preparing for trial without legal assistance

4.
Submissions by Andrea Armstrong

the other part but that's a letter I sent a letter I sent them. It's very difficult to get legal advice so a lot of it's been Internet law.

THE COURT: The Crown, apparently, is not seeking custody and I am told that this is a charge of assault level one and the Crown has three witnesses here on that event. What is so complex about an assault matter?

ANDREA ARMSTRONG: Um, the complexity is that I was retrieving a stolen item and 90 percent of her police statements are false and I can prove that through the Telus text messages and, technically, she brought - she attacked me when I went for her bag and she decided that she would claim assault so that she wouldn't be detected for the crime of stealing the phone charger from my 12 year old daughter.

THE COURT: I do not think that is terribly complex.

ANDREA ARMSTRONG: Well, it is if I - if I'm not successful in my appeals to you.

THE COURT: Thank you.

ANDREA ARMSTRONG: I'd also like to note I've been doing legal advocacy for 20 years and I've been trying to go back to school to get my certification...

THE COURT: Yes, well, we will be able to get into that later.

ANDREA ARMSTRONG: ...and this would greatly affect that.

They know **the Telus test messages prove their complainant is totally deceptive**, they have had pre-disclosure because the defendant does not understand her rights.

Telus
Texts
Delivered
to Crown
PRE-
TRIAL

Crown Attorney
Central East
270 George Street
2nd Floor, Box G
Peterborough, ON K9J 3H1
Telephone: (705) 755-5360
Facsimile: (705) 755-5365

Lisa Wilson

out a week or 10 days before trial

ives herself in false police report during
[Public Mischief, Conspiracy]

In *R v Ghomeshi* the courts analyzed the issue of the defenses requirement not to disclose defense evidence until trial. Due to the embarrassment the defense evidence caused the Crown, it was decided that such exculpatory evidence (which indicates a false report by a complainant) must be pre-disclosed before trial.

Yet, the pre-disclosure of the text messages the defendant hoped would lead to the charges being dropped before trial, instead were heavily suppressed by the court, police and prosecutor. So trying to tweak disclosure requirements in *Ghomeshi*, does not actually solve the problem of the criminal justice system continuing prosecutions without credible or reliable evidence.

R U L I N G

COLLINS, J. (Orally):

It should be noted that this is an application pursuant to R. v. Rowbotham, R-O-W-B-O-T-H-A-M, also under the name of R. v. Robinson, (1989), 51 CCC, (3d), 452, a decision of the Court of Appeal. I have the criminal report series; 73 Criminal Reports, (3d), 81 and the case indicates that neither public funds nor judicial resources are limitless, the reallocation of the public resources required to fund all criminal appeals. Now, that was an appeal without regard to merit would represent more than mere administrative inconvenience. Now, it should be pointed out that that particular case was one of robbery and related offences where the defendant was sentenced to 10 years and was wanting to get assistance of counsel for appeal.

Against that backdrop, then we see also the case of R. v. Rain, R-A-I-N, which is a decision from (1999), 130 CCC, (3d), 167, another decision of the Alberta Court of Appeal. In that particular case, legal aid had been denied and the court concluded that "When legal aid is denied and exceptional circumstances make it probable that the trial judge cannot discharge the duty to ensure a fair trial then the appointment of counsel becomes necessary."

people to get the legal representation they require.

WHAT IS A ROWBOTHAM APPLICATION?

A Rowbotham Application is an application to receive court-ordered counsel. It is an opportunity for someone who has been denied representation through Legal Aid Ontario to get a lawyer. The intent is to ensure the right to a fair trial, which is not always possible without a lawyer.

If the judge determines you need a lawyer for a fair trial, the trial may be delayed until you receive court-ordered counsel. A Rowbotham Order provides you with representation.

Rowbotham Applications were once a lengthy process and low acceptance rate that many defence lawyers were hesitant to pursue. In recent years, Ontario has launched a **pilot program** allowing for a faster application process. Still, a number of conditions have to be met for a successful application.

WHEN CAN ROWBOTHAM ORDER BE USED?

A Rowbotham Order can be used after a successful application. For consideration in this process the applicant must meet the following criteria:

- They have exhausted all legal aid appeals
- They are facing serious/complex charges
- The Prosecution is seeking imprisonment

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- They have exhausted all legal aid appeals
- They are facing serious/complex charges
- The Prosecution is seeking imprisonment
- They already have a lawyer
- The immediate family cannot pay for legal services

WHAT CONSIDERATIONS ARE TAKEN INTO ACCOUNT

When determining whether to accept a Rowbotham Application and provide court-ordered counsel a number of considerations are looked at.

Income, Assets, Outstanding Debts, & Lump Sum Payments

One of the first aspects considered is income. It is more likely to be granted in low-income households but can go to people with higher incomes than those eligible for Legal Aid.

In looking at income, assets are also considered. Someone with more assets, for example, a home or vehicle are assets that you can potentially mortgage or sell. A lack of assets means the applicant has fewer other options.

If the defendant receives lump sum payments may also be

If the Crown is not seeking detention, especially on a summary/misdemeanour charge, legal aid is outright denied, even if a person qualifies financially. Leaving the defendant to be burned at the stake

motion for Counsel: *DENIEd*

6.
Ruling - Collins, J.
Arraignment

One of the principles then is the nature of the charge or charges and regard must be had to the seriousness of the offence, the complexity of the case, the likely length of the trial. The determination of whether counsel is essential must be made on a case by case consideration.

I am of the view on balance that the application of the defendant cannot succeed and we will commence the trial. Thank you.

Would you arraign the defendant, please, Madam Clerk?

COURTROOM CLERK: Andrea Joyce Armstrong, you stand charged that on or about the 10th day of February, 2009 at the City of Peterborough in the County of Peterborough did commit an assault on Rachel Carkner, contrary to the Criminal Code, section 266. The Crown elects to proceed summarily. How do you plead, guilty or not guilty?

ANDREA ARMSTRONG: Not guilty.

THE COURT: Thank you. There should be an order excluding witnesses, I gather, so they cannot hear each other's testimony. The first witness for the Crown is....

ANDREA ARMSTRONG: Can the other Crown witnesses also be reminded not to speak to each other in between...

THE COURT: I am...

ANDREA ARMSTRONG: ...their testimonies.

Despite the many legal errors to arise, the judge will NOT perform his constitutional duty to ensure a fair trial. The judges behaviour will put the administration of justice into such disrepute, that it is impossible to find any lawyer who dares to write the merits

It is clear that the charges should have been dismissed during the police officer's initial testimony, where he fabricates much of the evidence "as a narrative" without anything to support it.

The judges actions will indicate clear bias & pure hatred which could only be motivated by his desire to conceal the construction fraud.

Judge Collins was on City Council at the time of the bid for the public housing complex involved in the fatal fire. He was clearly in a position to manipulate the bidding process, personally motivated to conceal his own cronyism and corruption. When the lawyers learned this, they had a look of horror in their face and replied "BID RIGGING" and indicated it raised a high amount of suspicion to the judges involvement in the original construction fraud back in the 1960's.

Another local judge, Gunsolus is a former building inspector, who during the appeal of this conviction insist will insist the defendant take out a loan from a bank, [as an indigent woman qualifying for Legal Aid] in order to address all the abuses and violations to my rights. It didn't matter what lawyer of how much we oaid, the retainer would be returned as soon as the Prosecutors office had access to the lawyers name.

7.
A. Hatton - in-Ch.

PROSECUTION
WITNESSES
WERE NOT
in courtroom
at time.

THE COURT: ...going to that,...

ANDREA ARMSTRONG: Thank you.

THE COURT: ...yes. All witnesses in this matter are not to speak to one other about this and, particularly, when they come out of giving evidence, they are not to speak to any other witness. You will all have to probably have your lunches separate if the case carries on that long. Does everyone understand that? All nodding affirmatively. Your first witness is....

MS. EBERHARD: Police Constable Hatton.

THE COURT: All other witnesses will wait outside. Thank you.

MS. EBERHARD: I will ask Your Honour for an exception that Police Constable Hatton after he has given testimony that he may join me at the counsel table.

THE COURT: I take it, there is no problem about that after he has testified. He will be permitted to remain and assist you...

MS. EBERHARD: Thank you.

THE COURT: ...but not to speak to any of the other witnesses until this matter is finished.

MS. EBERHARD: Thank you.

ANDREW HATTON: SWORN

MS. EBERHARD: Thank you.

30 EXAMINATION IN-CHIEF BY MS. EBERHARD:

Q. Constable Hatton, you are employed by the

Police Officer Testimony: *Andrew Hatton*

Police Officer Hatton's testimony will consist of :

- Fabricating Evidence
- Obstruction of Justice
- Contempt of Court
- Perjury
- Conspiracy S 465(b) to convict a person of a crime they know was not committed
- etc.

The defendant is not a lawyer, despite the ability to make awesome public interest arguments, strengthened by her criminal justice degree] that really stress out the corrupt prosecutors & judges

8.
A. Hatton - in-Ch.

- what - what police station?

A. The Peterborough-Lakefield Community
Police Service.

5 Q. Thank you. And how long have you been -
been a police officer with that service?

A. It'll be three years this September.

Q. Okay. And were you employed as a police
officer before that?

A. No, I was not.

10 Q. And you're here today in court concerning
a matter - an allegation of something that happened and - and
I understand that you may have had some dealings with this
allegation. If you could tell us your story. In other
words, start from the very beginning and tell us how you
became involved with the allegation.

15 A. Your Honour, may I refer to my notes?

THE COURT: Were they made at the time,
officer?

A. Yes, they were.

20 THE COURT: Any questions from the defendant
on how he recorded his notes?

ANDREA ARMSTRONG: Yeah, well, actually, I
had asked for, um, disclosure on his notebook
'cause I can't read some of the notes and
Staff Sergeant Smith was arguing with me
25 trying to make it seem like I was lying again
but, um, I - I might like to ask for
verification on some of the notes as he goes
through them.

30 THE COURT: Very well. He will be allowed to
refresh his memory from the notes and the
defendant will be entitled to cross-examine

HATTON: Rookie Cop with only 3 years experience

A. Hatton - in-Ch.

him on the notes.

MS. EBERHARD: Thank you, Your Honour.

A. Okay, it was the 10th of February, 2009
and at, uh, 19:26 hours, I was called in to the front desk
5 to, uh, meet the complainant. Uh, it was Andrea Armstrong.

MS. EBERHARD: Q. And the front desk of
where?

A. Of the Peterborough-Lakefield Community
Police Station, 500 Water Street. Ms. Armstrong informed me
10 that, uh, she was there to make a report for a theft of a
cell phone charger. I spoke with Ms. Armstrong at that time
regarding, uh, the charger. I took a detailed description of
it. Uh, it was a black Samsung charger, uh, for a Telus
phone. I asked her if there was any, uh, distinct
15 characteristics about this charger that, uh, she could
provide so that I could assure that the charger was hers and
she could not. Um, I, uh, - I was requested by Ms. Armstrong
to attend over at 217, uh, Murray Street, uh, to speak with
the other half involved here which was Rachel Carkner
regarding the theft. I did so. I spoke with Rachel Carkner.
20 Uh, Rachel informed me that, uh, Andrea had been there
approximately, uh, half an hour before I arrived.

Q. Okay. Did you, in fact, go to 217 Murray
Street?

A. Yes, I did.

25 Q. And what is at 217 Murray Street?

A. It's a warming room.

Q. Can you explain that in greater detail?

A. Uh, it is a, uh, - a room available to the
public, uh, for - I - I should say, not for people without an
30 address because there are people with an address that do use
it but, uh, it's, basically, a, uh, - a public place where

The drop-in center with 30-50 people in the room,
only 2 staff witnesses with the least independence are noted
in police records. There are no public complainants or
witnesses regarding defendants behaviour

A. Hatton - in-Ch.

they can get a coffee and - and, uh, socialize with other folks.

Q. And this is a public place anybody can come and go...

A. Yes.

Q. ...from this room?

A. Yes.

Q. And when did you arrive at 217 Murray Street?

A. I arrived at 217 Murray at 19:57 hours on the 10th of February.

Q. And what do you observe when you get to the warming room?

A. Uh, when I get to the warming room, what I can recall is, uh, Rachel was visibly upset. She was shakin'. Uh, Tami Taylor or Tami Doherty, however, she may be named....

Q. Are you referring to one person or two people there?

A. It's one person. It's one person that, uh, - I know her as Tami Taylor, uh, who's staff of the warming room was with, uh, Rachel at the time. Rachel informed me of the incident that took place and, uh, Tami confirmed the events of that incident.

Q. Okay. And what did Rachel tell you?

A. Rachel told me that while she was at the warming room, she was seated in front of a computer. Uh, to her right side was her duffle bag which had her personal property in it and, uh, while she was viewing photos on the computer, uh, she heard some yelling and then she felt a push while she was on the chair. Uh, she stated that the push was not strong enough to, uh, remove her from the chair but she

Carkner was laughing and joking with people when we left

The police officers personal conflicts comes up confusing the witnesses maiden name and married name due to childhood family connections. Knowingly Using fabricated evidence of complainant in attempts to give it credibility.

Hearsay should be stricken from record. Police do not give witnesses perjured evidence.

CARKNER SITTING AT
COMPUTER ON FALTBODIL
GOT PUSHED AND
FELL TO THE RIGHT OF COMP.

The notebook entry says "fell
INCONSISTENT STATEMENT
TRUTH : Carkner jumped off of
defendnat with a hip-check

TUES FEB 10 2009
GOT BACK UP.

PERJURY
P.B Refer to
my notes.
Notebook says
FELL OFF CHAIR

did lose her balance. Uh, next, she turned and she had recognized, uh, Andrea Armstrong and that Andrea Armstrong was making a move into her duffle bag and had come up with her wallet and the cell phone charger. Uh, Rachel, at that time, reached over and attempted to stop Andrea from removing her property. Uh, she was able to do so and then she got up and made her way to the women's bathroom. Uh, she was very upset. Uh, I was informed that the staff had to become involved to keep Andrea - Mrs. Armstrong, um, from pursuing Rachel into the bathroom.

Q. Okay.

A. Um, at that time, I believe, uh, Tami Taylor was the first to notify the police of the incident. Uh, as well, while Rachel was in the bathroom, she also made a 911 call to the police. Uh, Rachel told me that, uh, she was concerned that Mrs. Armstrong was coming after her for the cell phone charger so when she went into the woman's bathroom, she took the charger and placed it over the stall wall into an area that, uh, seemed to be a work in progress. It looked like they were putting in a shower or something like that. Uh, Rachel remained in there. Mrs. Armstrong left the area and was, reportedly, seen circling the block and stopping out front for what they appeared to be waiting for Rachel to come back out of the warming room. Um,...

Q. This is all what you were told, not what you saw?

A. This is all - again, this is all the information that I'm collecting through Rachel and through Ms. Taylor.

MS. EBERHARD: Thank you. Your Honour, I realize that this is hearsay but I'm not offering it for the truth of its contents,

ALL HEARSAY, and perjury

Officer is trying to add credibility to their criminal complainant's changing version

SHOULD BE STRICKEN FROM RECORD

Defendant was the first to notify police on the non-emerg #

Fabricating Evidence

No evidence of calls made by any witnesses disclosed or subpoenaed. They did not call because defendant already had called as the victim.

NO audio of 911 calls disclosed because they do not exist

"Circling around the block" he claims but witness does not know the colour of the vehicle , claims some disability affecting her perception of colour, yet she is an artist know for her beautiful use of colour in her paintings. Defendant at police station at time witness claims "circling around block"

All misrepresentations of fact

12.
A. Hatton - in-Ch.

simply as part of the narrative.

THE COURT: Of course not.

MS. EBERHARD: Thank you.

A. Um, with that being said, I, uh, sat down.

5 I spoke with, uh, - with Rachel regarding the cell phone charger. I asked her if she had stolen it from Mrs. Armstrong and she had stated, no. She stated that it was her cell phone charger. Uh, at that time, she also produced a, uh, Telus cell phone that, uh, was, uh, meant to be with that
10 charger - the charger, then she had also had produced a receipt from her wallet for the purchase of that cell phone, uh, from Wal-Mart.

MS. EBERHARD: Q. Okay. And did you make any - when you spoke with Ms. Carkner, did you make any
15 observations as to any injuries that may have resulted from the alleged incident?

A. Um, Rachel had shown me, I believe it was on her right wrist, uh, two fingernail marks that she stated were a result of, uh, Ms. Armstrong holding onto her right arm while she was attempting to remove the property from
20 Rachel's, uh, bag.

Q. The two fingernail marks, did you observe there to be a break in the skin?

A. No, there was no break in the skin. Uh, minor redness. Rachel did not complain of, uh, - of any
25 injury due to the assault other than, uh, the fact that she was five months pregnant at the time and had been in and out of the hospital for about the last five weeks with kidney problems.

Q. After you received that information from
30 Ms. Carkner and you observed the - the injury,...

A. Uh-hmm.

False "Narrative", and he knows he has no evidence to support it.

No photographs of fictional "nail marks"

Failure of Duty to Preserve evidence

Text messages prove it is not her charger, cop ignores she is a well known scam artist and refuses to disclose her criminal history

" 5 months pregnant"

*yet no maternal care until after incident. Carkner had been hiding the pregnancy, even from the father of her other 3 children, because she lost custody of all her other children due to neglect, and will lose permanent custody of this child also at birth. Yet they make it seem like the defendant put her pregnancy at risk. **Carkner hip checked the defendant without any enticement to fight, using the closest part of her body to her stomach, not a fist.***

Intentional Infliction of Emotional Distress.

*Text messages from Carkner claim she was **in a Toronto hospital for ovarian cancer surgery (while pregnant)** and uses this as **an excuse to not have returned the charger**, yet cop testifies to "kidney problems" without any evidence to support it. He ignores her "cancer" lie, yet she is trumped as more credible than the defendant who has actually tested positive to the BRCA1+ gene placing her at higher risk of the ovarian cancer Carkner is deceptive about. The defendant has recently lost her birth mother to the same cancer, and a younger sister will succumb also in the coming years.*

*Carkner even lies about having cancer and continues to use the scam for years because the court has condoned it. **CANCER or kidney problems? Her stories constantly change, and grow. Stay Tuned the judge will refuse to enter the subpoenaed text***

13.
A. Hatton - in-Ch.

Q. ...what then happened?

A. Uh, I had taken a, uh, - a statement, uh, regarding Rachel's contributions to the incident. Uh, Ms. Taylor also provided a statement regarding what she observed, uh, throughout the incident.

Q. And were those statements written or on video?

A. They were both written.

Q. Then what happened?

A. Uh, due to the nature of the incident, it was reviewed with my sergeant at the time and be it that Ms. Armstrong had requested I investigate the theft, it was determined through my investigation that I could not determine which cell - or who the cell phone charger belonged to. I had located the cell phone charger in the stall area. I had returned that cell phone charger which was a black Samsung charger, as described, to Rachel Carkner. There, again, was no distinguishing characteristics. I had no evidence as to who the owner was. I returned it to the, uh, possession of Ms. Carkner.

Q. What was the sergeant's name who you spoke with when you reviewed the information?

A. It was, uh, Sergeant Loucks - Sergeant Nancy Loucks.

Q. And after you gave the cell phone charger back to Rachel Carkner, then what happened?

A. Rachel was still, uh, very upset regarding the incident and wished to pursue assault charges against Ms. Armstrong for being pushed and for being grabbed, uh, while she was in front of the computer. Uh, I came back to the station. I had uh, telephoned Ms. Armstrong at that time, uh, informed her that she was to remain away from, uh, Rachel

"Taken a statement" [not a detailed one, not on video as judge expects at some point]

'Ms. Taylor also provided a statement' Not that night and
NOT DISCLOSED

The missing statement is an incident report written and signed by both witnesses during a secret, undisclosed meeting hours before arrest with their boss who has a serious conflict (stay tuned) No statement for Taylor-Doherty until 2 months after incident, for which the circumstances of gathering the new statement are secret, no notebook entries, seem coached

"Both written" [Carkner & Taylor-Doherty]

a witness statement by the two witnesses with the least independence. Despite 30+ other witnesses, including Taylor-Doherty's boyfriend, no statements.

the original witness statement written and signed by both witnesses for their place of work, disqualifies them as "independent" witnesses

Both sets of the witness statements were 'obtained in a manner that infringes or denied any rights or freedoms guaranteed by the Charter'

violates the defendant's right to a fair trial *R v Pino, 2016 [ONCA]389*

S 24(2) charter violation

Hatton claims he had this information before reviewing/confirming with staff sgt Loucks

e Conspiracy Thickens atal Fire connection -



Peterborough Social Planning Council

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Staff Profiles

BRENDA DALES Executive Director

Brenda has worked for the past 27 years in the voluntary sector. She has a strong commitment to community development and social justice. For the past 10 years she has been the Director of Community Leadership and Learning Services with the United Way of Peterborough and District. Through her work with United Way and United Way of Canada-Centraide Canada she has had the opportunity to work with individuals and community groups pan Canada, including Nunavut and Brazil by developing resources in governance and leadership, community capacity building and volunteer management for the voluntary sector. Prior to United Way she worked for 17 years at Community Living in both Lindsay and Peterborough in a senior management position. She has served on, provincial and national groups, including the Ontario Canadian Volunteerism Initiative Network, PAVR-O, United Way Canada-Centraide Canada, and Volunteer Canada. She developed the Not for Profit Leadership Certificate Program at Fleming College and continues to

associate faculty to the program. As well she has volunteered locally as a member of the board of directors of KWIC, YWCA, PHAC, and as a past chair of the Peterborough Housing Corporation to name a few.



March 6, 2012

Ms. Andrea Armstrong
Unit 35
Richmond Hill, Ontario
L4C 3G4

Dear Ms. Armstrong:

I am writing this letter in response to your request for access to information and copy of an incident report from an incident that occurred February 10, 2009 at Our Space Community Centre.

As I have told you during the three occasions we have spoken, I have looked in our files and do not have a copy of this incident report. I managed Our Space Community Centre during that time, however all files were kept at their premises and they moved to George Street the last week of December 2009, first week of January of 2010. At that time all files and items were transferred to their new location. In addition we moved our office to 360 George St. Unit 27 Lower Level Peterborough Square in March 2010.

I have suggested you contact Our Space Community Center directly for them to look for that report. You have mentioned to me that they have not been able to access that report. I am aware there management and staff have changed last year, however, the staff member who was involved is back working at Our Space Community Centre. Their number is 705 775-0367. Sorry I cannot be of more help.

Your Sincerely,

Brenda Dales
Brenda Dales

Executive Director
Peterborough Social Planning Council

YWCA Housing is also missing it's
firewall separations, failing fire code
as indicated by a roofing contractor

Copy.

Post Packer at.
Comp. - Did not run
But, did lose
Balance a bit.
- Didn't see Packets
Arm get grabbed
b/c of barrier.

MARY LOU GREEN

mom came in and
hit her - said that
Packer had stole

Something from her.
mom was upset.
& screaming.

FRIENDS TAKE
Packer TO EARLY TO
HOSPITAL - KIDNEY
- NO MEDICAL ATTN.
Rec'd FOR INJURY RE-
LATED TO ARREST.

REDA 609 MIF.

2137 10-19
REVIEW INC'D W
SGT. LOUCKS
2215 21- ARMSTRONG
868-0850

"Didn't see arm grabbed" witness admits, because it never happened.

"because of barrier"

She would not have seen the push either as a flailing wrist in a standing position is close to the same level as the shoulder in a sitting position [four and a half feet to five foot barrier height]

The defendant has spinal injuries which impair her agility. She is unable to even wrestle a cell phone from her children, never mind an adult. Witness should not know anything about Carkner's false allegation of an arm grab unless the cop was questioning them together, against procedure. Cop continues to use the false allegation despite the witnesses confirming

the wrist hold did not happen. Any reasonable person would realize that the complainant's statements were fraudulent in an attempt to conceal her own crimes.

No statements, no names of Carkner's "friends"

Not called as witnesses > Did cop witness this by following them to hospital? Cop keeps raising the "hospital" in a prejudicial nature against the unprotected defendant. DISCLOSURE OF THESE RECORDS ARE MANDATORY IF BEING USED

TO PREJUDICE THE DEFENDANT. **HEARSAY & PERJURY**

Other witnesses claimed Carkner was at the White House Hotel bar partying that night

REVIEWED BY STAFF SGT NANCY LOUCKS @ 2137 HOURS

But all they have is their career criminal complainants fraudulent written statements at that time

The missing incident report is not "dropped off" until the next day by Taylor-Doherty and the two separate statements are not written until 2 months after incident

SO WHAT EXACTLY DID THE STF SGT HAVE TO APPROVE THE ARREST

PROMISE TO APPEAR
PROMESSE DE COMPARAÎTRE

Form/Formule 10 C.C.
(Section/Article 493)

04-10983
30 Jan 83

CANADA
PROVINCE OF ONTARIO
PROVINCE DE L'ONTARIO

Criminal Court
Region/Region

I/Je soussigné(e) Rachel Carkner
of/de 2072 Meadowview Rd

occupation/profession
understand that it is alleged that I have committed (set out substance of offence)
comprends qu'il est allégué que j'ai commis (indiquer l'essentiel de l'infraction)

Assault.

In order that I may be released from custody,
Afin de pouvoir être mise en liberté,

1. I promise to appear before the presiding Judge or Justice on Tues day, the 20th day of July, yr. 04
Je promets de comparaître devant le juge ou le juge de paix qui préside le
at 9:00 o'clock, in the am noon, in the Ontario Court of Justice Courtroom No. 1
à heures, à la salle d'audience n° à la Cour de Justice de l'Ontario
at 70 Simcoe Street, Peterborough, and to attend thereafter as required by
à à et d'être présente par la suite

the court, in order to be dealt with according to law.
selon les exigences du tribunal, afin d'être traitée selon la loi.
2. I also promise to appear on Tues day, the 15 day of July, yr. 04, at 8:00 o'clock in the am noon
Je promets également de comparaître le jour de à heures
Peterborough Detached Police - 500 Water St
(police station/poste de police) (address/adresse)

for the purposes of the Identification of Criminals Act. (ignore if not filled in)
aux fins de la Loi sur l'identification des criminels. (ne pas tenir compte du présent alinéa s'il n'est pas rempli)

I understand that failure without lawful excuse to attend court in accordance with this promise to appear is an offence under subsection 145(5) of the Criminal Code.
Je comprends que l'omission, sans excuse légitime, d'être présente au tribunal en conformité avec la présente promesse de comparaître constitue une infraction en vertu du paragraphe 145(5) du Code criminel.

Subsections 145(5) and (6) of the Criminal Code state as follows:

- "(5) Every person who is named in an appearance notice or promise to appear, or in a recognizance entered into before an officer in charge or another peace officer, that has been confirmed by a justice under section 508, and who fails, without lawful excuse, the proof of which lies on the person, to appear at the time and place stated therein, if any, for the purposes of the Identification of Criminals Act, or to attend court in accordance therewith, is guilty of
- (a) an indictable offence and liable to imprisonment for a term not exceeding two years; or
- (b) an offence punishable on summary conviction.

- (6) For the purposes of subsection (5), it is not a lawful excuse that an appearance notice, promise to appear or recognizance states defectively the substance of the alleged offence."

Section 502 of the Criminal Code states as follows:

- "502 Where an accused who is required by an appearance notice or promise to appear or by a recognizance entered into before an officer in charge or another peace officer to appear at a time and place stated therein for the purposes of the Identification of Criminals Act does not appear at that time and place, a justice may, where the appearance notice, promise to appear or recognizance has been confirmed by a justice under section 508, issue a warrant for the arrest of the accused for the offence with which the accused is charged."

Les paragraphes 145(5) et (6) du Code criminel s'énoncent comme suit :

- «(5) Est coupable :
- a) soit d'un acte criminel et passible d'un emprisonnement maximal de deux ans;
- b) soit d'une infraction punissable sur déclaration de culpabilité par procédure sommaire,

quiconque est nommément désigné dans une citation à comparaître ou une promesse de comparaître ou dans un engagement contracté devant un fonctionnaire responsable ou un autre agent de la paix, et qui a été confirmé par un juge de paix en vertu de l'article 508 et omet, sans excuse légitime, dont la preuve lui incombe, de comparaître au lieu et date indiqués, le cas échéant, pour l'application de la Loi sur l'identification des criminels ou d'être présent au tribunal en conformité avec ce document.

- (6) Pour l'application du paragraphe (5), le fait qu'une citation à comparaître, une promesse de comparaître ou un engagement indiquent d'une manière déficiente l'essentiel de l'infraction présumée, ne constitue pas une excuse légitime."

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As a Staff Sgt Nancy Loucks
is WELL AWARE that
CARKNER HAS A RECORD
FOR DOMESTIC ASSAULT
SIGNED BY THE POLICE
CHIEF RODD AS A STF SGT HIMSELF
WHILE THEIR RECORDS CLAIM
THE DEFENDANT HAS "NO" RECORD
THERE IS NO REASONABLE
SUSPICION THAT THE DEFENDANT
COMMITTED ANY CRIME
THERE ARE A TON OF LOCAL &
NATIONAL RECORDS THEY
ARE INTENTIONALLY NOT
DISCLOSING [including fraud & forgery]
TO FURTHER
THEIR OBSTRUCTION OF
JUSTICE & CONSPIRACY

In order that I may be released from custody,
Afin de pouvoir être mise en liberté,

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at 70 Simcoe Street, Peterborough, and to attend thereafter as required by
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DATED this 20th day of July, yr. 04
FAIT le 20th jour de July, an 04
at 8:00 o'clock in the am noon
à heures
in the City of Peterborough
à la City de Peterborough

FOR INFORMATION ON ACCESS
TO ONTARIO COURTS
FOR PERSONS WITH DISABILITIES, CALL
1-800-387-4456
TORONTO AREA 326-0111

POUR PLUS D'INFORMATIONS SUR L'ACCÈS
DES PERSONNES HANDICAPÉES
AUX TRIBUNAUX DE L'ONTARIO, COMPOSEZ LE
1-800-387-4456
RÉGION DE TORONTO 326-0111

CC-10-493-1 (rev. 05/99) (formerly/anciennement CC 1416)

DATED this 20th day of July, yr. 04, Rachel Carkner

Carkner and that she could meet me the following night at 21:00 hours to discuss the incident, to discuss the investigation.

Q. Okay. Before we go to the next night, I ask you if you recall or made any notes about any observations in the warming room of a duffle bag that would have been Ms. Carkner's.

A. Yes, she had the duffle bag with her while I was speaking with her.

Q. Okay. Can you tell us approximately the size of the duffle bag?

A. Uh, roughly, I would say a gym bag size. Um, it's hard to say - in a athletic bag. Roughly, I don't know, two feet in length and, uh, a foot deep, foot wide.

Q. Okay. So did you meet up with Ms. Armstrong the next night?

A. Uh, yes, I did. I met, um, Ms. Armstrong at the station. At that time, I disclosed to her the outcome of my investigation. Uh, I clearly explained to her that under the circumstances because I could not, uh, - because there were no distinguishing characteristics to the cell phone charger, I could not determine who the cell phone charger belonged to.

Q. And did you find that your information was well received?

A. From what I recall, Ms. Armstrong received the information. Um, she wasn't pleased about it and understandably so. Uh, she's made a complaint of theft, uh, which I'm sure she believes. Uh, however, throughout the investigation, I have to base my - my, uh, - my result on evidence that I can find.

Q. Okay.

Children arrived with defendant showing she was totally ambushed, not expecting arrest. Defendant had just returned from a 1 hour meditation at local church and was very calm and collected

No sworn probable cause affidavit

No arrest warrant applied for or issued by court

negligent investigation further supported by lack of affidavit / warrant

ABUSE OF DUE PROCESS

15.
A. Hatton - in-Ch.

A. With that being said, I further had to inform her that Ms. Carkner wished to pursue assault charges against her for the incident, uh, that occurred at 217 Murray.

5 Q. And did you have reasonable and probable grounds, at that point, and did you arrest....

A. Yes, I did. So at 21:27 hours on the 11th of February, I informed Ms. Armstrong that she would be under arrest, uh, to the charge of assault, one count. She was
10 given her rights to counsel, caution and right to legal aid which she stated she understood them all. Uh, duty counsel was contacted on her behalf at that time.

Q. Did she speak with duty counsel?

A. Yes, she did. She spoke with, uh, duty
15 counsel, Peter Bedarika(ph).

Q. Then what happened?

A. Uh, in speaking with, uh, Ms. Armstrong, I asked if she wished to provide a statement regarding this incident and, at the time, she declined. Uh, at 22:08 hours, she was released by Sargeant McNevan on a Promise to
20 appear/OIC in Charge Undertaking which carried the conditions at that time, I believe, to notify, uh, our police service any change in address and to remain away and abstain from communicating with Rachel Carkner.

Q. Okay. Did you have any further
25 involvement with this accused concerning the assault allegation before this court after this night?

A. After this night. I, uh, - with the exception of a formal complaint being put in regarding my investigation, uh, I had not received other - other
30 communication. I had received a few phone calls, uh, by Mrs. Armstrong requesting almost what I would consider legal

Fictional reasonable and probable cause, not supported by a sworn affidavit or court issued arrest warrant based on CONFIRMATION BIAS

Officer commits **perjury** over defendants response to be given her rights.

“she stated she understood them all”

PERJURY, Defendant kept going on about being **confused and not understanding why she was under arrest** because she never “hit” anyone. Instead she had been hip-checked by Carkner when she requested the stolen item calmly, and was the victim of an assault & theft. They were criminalizing a victim for an incident witnessed by her daughters. Her daughters knew their mom had never started a fight in their lifetime, nor was able to defend herself when attacked.

Even a formal complaint did not determine the negligence of the police officer, nor the conflicts of interest [stay tuned]

PC HATTON #190

PETERBOROUGH LAKEFIELD COMMUNITY POLICE SERVICE

Witness Statement

Occurrence # PB090 02540 Officer: PC. Hatton
Name: TAMI TAYLOR Date: FEB 10/09 Time: am/pm
Address: Bk. [REDACTED] Date Of Birth: [REDACTED]
Telephone #: [REDACTED]

The following information is provided in confidence with the expectation that it shall not be released to a third party except as may be required by another law enforcement agency, a Criminal Court, Provincial or Federal Correctional Authorities, or if release is required by law.

I was in the office area when Andrea came in the door. ^{Andrea} ~~Angela~~ approached Rachael who was sitting in a chair, ~~Angela~~ ^{Andrea} pushed Rachael moving her backwards. ~~Angela~~ then started yelling that Rachael was a thief and a liar. Staff approached Andrea and told her that her actions were not appropriate as her children were witnessing her actions, ^{and Rachael is pregnant} ~~Angela~~ did not respond to staff as she continued yelling. Rachael went to the Women's washroom to get away from Andrea. Staff followed Rachael to make sure she was OK. Rachael was on the phone with police. Andrea went

HATTON #190

Witness

Tami Taylor Signed

C:\Documents and Settings\Workstation\My Documents\Word Documents\2008 New Police Forms\202. statement.doc

TIME
Report
NOT
complete

outside for a cigarette and Staff brought Rachael out of the washroom to sit in the office area with staff. Andrea came back in and went into the washroom for about 20 minutes after that ~~Angela~~ ^{Andrea} left with her children. Rachael waited for police to respond. The whole incident was apparently over a phone charger and who it belonged to.

- Q. HOW FAR IS THE OFFICE FROM WHERE THE INCIDENT TOOK PLACE?
A. ABOUT 10 FEET.
- Q. DESCRIBE HOW ANDREA PUSHED RACHAEL?
A. ANDREA USED BOTH HER HANDS AND SHOVED HER HARD ENOUGH THAT RACHAEL MOVED BACKWARDS, BUT DID NOT FALL OFF THE CHAIR.
- Q. CAN YOU DESCRIBE ANDREA?
A. ABOUT 5'2", LIGHT BROWN HAIR, TO HER SHOULDERS WITH A MEDIUM BUILD; POSSIBLY 30 ISH.
- Q. DID YOU SEE RACHAEL HIT ANDREA BACK?
A. NOT AT ALL.
- Q. THE ABOVE IS THE TRUTH TO THE BEST OF YOUR KNOWLEDGE?
A. YES 11/5.

x HATTON #190

x Tami Taylor

INCIDENT # PB090 02540

ACC: ANDREA ARMSTRONG

OFF DATE: 10 FEB 09

WITNESS STATEMENT OF TAMI TAYLOR

MAR 31 2009

Stamped: March 31, 2008
Nearly 2 months after arrest

No date,
Witnesses refuse to provide details in testimony
Circumstances of new statement SECRET as
there are not any notebook entries related
the request or receipt of new statements

16.
A. Hatton - in-Ch.
A. Hatton - cr-Ex.

advice and, uh, I told her that I was - I was a police officer and not a lawyer and was unable to provide that for her.

5 Q. Okay. Thank you. I have no further questions.

THE COURT: Cross-examination?

CROSS-EXAMINATION BY ANDREA ARMSTRONG:

10 Q. What post-secondary school do you - what post-secondary education do you have?

A. Post-secondary?

Q. Yeah.

A. I have, uh, a degree from Trent University, uh, joint Major in Economics and Sociology.

15 Q. Have you ever taken any specialized training like breathalyzer tech., statement analysis, you know, tryin' to figure out the validity of witness statements or, uh, stress analysis courses or....

A. No, I have not.

20 Q. Not - you're not certified to do polygraphs or anything like that?

A. No, I don't believe anyone at our service is.

25 Q. Have you had any other complaints lodged against you in your last three years as a police officer?

A. No, I have not.

Q. Have you dealt with Rachel Carkner in any other proceedings or issues including Family Court?

A. I, myself, have not.

30 Q. Do you know what time my call came in to police? Did it not come in before the two 911 calls?

A. I didn't realize you had called. I

The defendant questioned his investigative techniques and tried to reason with his negligent collection of evidence, not knowing he can get away with any crimes, protected by his Family Compact judiciary family.

His tone of voice indicated he knew other officers had dealt with Carkner

Hatton tries to delete the evidence of defendant being the first to call for police service

Proper Phone logs were not disclosed

was....

Q. I didn't call 911.

A. It....

Q. It wasn't a life threatening emergency so

5 I called the regular number...

A. Okay. I didn't....

Q. ...and asked for police to come and I
called before these ladies did. I was on the phone at the
warming room before they did - they were.

10 THE COURT: Do you know what time that call
came in?

A. No, I do not.

ANDREA ARMSTRONG: Q. At the warming room,
someone is claiming I was driving around the block and,
apparently, threatening someone. Exactly what time are they
15 saying I did this? Right after I left the warming room
before you got there?

A. How I was informed, I did not hear that
you were threatening anyone. I heard that when Rachel went
into the bathroom that you had exited the building to go out
20 for a cigarette, I believe, and, at that point in time, had
got in your vehicle and driven around the block a couple of
times.

Q. Okay, so they're tryin' to say that I was
doing that while I was actually at the police station making
25 a report on theft?

A. I don't know what the actual time was. I
was informed that throughout that course of that incident
through you going in....

Q. Do you know who saw this driving around?

30 A. I believe it was one of our witnesses, be
it Tami Taylor or Mary Lou Green.

**PERJURY> the witness does not accuse the
defendant of driving around the block at the time of
the cigarette while the witnesses testify to the
children being inside, but after when she has left
with her traumatized children.**

NOT IN EVIDENCE

**Hatton is attempting his confirmation bias again thru
fabrication of evidence**

The witness tries to accuse the defendant of circling the
block while she is actually at the police station, but does
not know the colour/make of the vehicle.

STRIKE FROM RECORD

Q. My daughter, Chelsea, also produced a phone that fits the charger. Just because she could not claim a Wal-Mart bill for it really didn't give you any reason not to search in to looking into the phone theft charge issue.

THE COURT: Was....

ANDREA ARMSTRONG: Q. I told you at the time....

THE COURT: Was that phone ever presented to you?

A. No.

ANDREA ARMSTRONG: Q. Well, it's obvious it is my daughter's cell phone. It's...

A. Ms.....

Q. ...listed on her name on Telus.

THE COURT: Just a moment. Just a moment. You are saying it was presented. Was it presented to this officer?

ANDREA ARMSTRONG: No, she's 12 years old. She...

THE COURT: Okay,...

ANDREA ARMSTRONG: ...doesn't keep receipts.

THE COURT: ...well, how would you - so you can say that but you will have to do that in your testimony.

ANDREA ARMSTRONG: Yeah.

THE COURT: He cannot answer that as a question, can he? It is outside his knowledge.

ANDREA ARMSTRONG: I....

THE COURT: You will have to ask him questions that he can...

WalMart can search old purchases and find receipts for police,

NO attempt was made to request this

The text messages prove the theft, not a receipt for a phone which she clearly possesses, the police showed no interest in seeing daughters phone and model

**No evidence of Carkner's receipt was disclosed
FABRICATION OF EVIDENCE**

How much chance would there be that a homeless woman would still have her collection of receipts?

Judge knows the defendant has made it clear she is NOT TESTIFYING yet he keeps pushing the defendant to do so, or face the inability to present a defense

ANDREA ARMSTRONG: Okay, well,...

THE COURT: ...that he can answer - he knows.

ANDREA ARMSTRONG: ...I informed the police
and I informed when I made a complaint that
proof of the cell phone charger theft was on
these text messages and proof of 90 percent of
Carkner's statement can also be discredited by
these text messages which show an electronic
diary of events from the day she stole the
charger and admits to it on here to February
10th and it goes day by day and I have a lady
from Telus out here that is willing to bring
the full documents. I have...

THE COURT: That's....

ANDREA ARMSTRONG: ...the third party
identifier...

THE COURT: That is...

ANDREA ARMSTRONG: ...as one here.

THE COURT: ...why - but you have to ask him
questions of things that he knows.

ANDREA ARMSTRONG: Okay. Anyway. Q. Why
did you not think it was important to summons these documents
which I told you would prove that we were telling the truth?

A. Because, at the time, and, again, how I
had explained this, I have to have evidence that that cell
phone charger is yours. That cell phone charger was in the
possession of Ms. Carkner. There was nothing about that cell
phone charger that I could distinguish to make it yours.

Q. At that time.

A. At that time. I cannot just go up to
somebody and say, 'This - this person has made a complaint of
theft and they have a black Samsung charger that is the same

The judge makes no effort to repair the ignorance of the text message evidence. instead the judge supports the suppression of the damaging, exculpatory evidence.

There are two versions of text messages:

1. The ones with the identifying numbers removed, printed off by defendant
2. The subpoenaed version which identifies Carkner's phone number with the messages matching the first version. Yet Carkner will try to claim some of the messages are not from her phone when they clearly are all from the same phone number, and the judge will believe her whole heartedly.

The text messages also show that the defendant chased after undercover surveillance tracking her while she is supposedly providig a volunteer move out for a domestic violence victim with Carkner after Christmas. It was obviously an under cover cop with us who was trying to entrap the defendant in a possible violent situation. The defendant refused to bite, pissing the police off to lay these charges later.

They could not collect evidence of criminal activity so they made it up instead.

Burden of Proof turned on the defendant

as that.' I cannot remove that property from someone and give it to somebody else based upon that information.

Q. Anyhow. So what exactly encouraged you to believe her story over, uh, myself and a - my 12 year old daughter?

A. It is not a matter of believing one story or the other. It is a matter of the evidence that I have at hand.

Q. Why did you not ask for the evidence that I told you had in my phone at the time of these text messages?

A. I - the evidence was not available.

Q. I was at the police station. I told you they were in here. I just had to find them and nobody asked them for me again. Anyway. Do you have any past history about me being devious or deceitful to the police or any other authorities?

A. No, I do not.

Q. Then, I guess, you wouldn't happen to know my history of helping and working with the police and crime scene photography and testifying on the stand and all those types of things?

A. Ms. Armstrong, when I'm investigating an incident, I try to keep, uh, people's - or a person's be it jobs, service, volunteer, uh, away from making, uh, an objective decision.

Q. Um, my daughter wanted me - call - I called you later that night when I had been arrested and told you that my 12 year old daughter wanted to make a complaint against assault against me and the theft from Rachel and you refused to get involved or to take that statement. Why would you have done that?

The police officer is supposed to hold the stolen item until the trial court figures it out. He is clearly incapable in the assessment & collection of evidence department.

Returning the stolen phone charger to a known thief and fraud artist is nothing less than:

INTENTIONAL INFLICTION OF EMOTIONAL DISTRESS ON A 12 YEAR OLD THEFT VICTIM

Later, in arrest 3, the authorities refuse to return a seized voice recorder (no question of ownership) to the defendant for trial, due to [poorly] editing the exculatory recording it held. Yet it's acceptable to return a stolen item to a thief.

A. Can you repeat that question for me, please?

Q. Why did you refuse to take an official statement from my 12 year old daughter who under the law is considered capable of making statements and testifying to them in regards to the theft and the fact that Rachel first assaulted me when, in fact, I only went for her bag?

A. That information - there was no complaint of assault made by you.

Q. You didn't call me back that night at about three or four in the morning and discuss this with me?

A. After the night that you got arrested?

Q. Yes.

A. I believe I did but, no - call you back, yes, you...

Q. Yes.

A. ...had made a call...

Q. We - we discussed...

A. ...to the station first.

Q. ...this - we discussed this...

THE COURT: Let him finish...

ANDREA ARMSTRONG: Q. ...on a phone call.

THE COURT: ...his answer, please.

A. Uh-hmm. Um, under the circumstances, you had made no allegation of assault prior to being arrested or while the theft investigation was going on.

ANDREA ARMSTRONG: Q. Yeah, because there wasn't an assault. That's why I didn't bring it up. Um, when I was arrested, you said that there was four witnesses to this assault. Who are the four people?

A. If I had stated there was four, I must have been mistaken. The witnesses to this assault are Tami

The police have refused to charge anybody for any crime committed against the defendant for years, and have falsified other records back to 1997, out of contempt for her questioning what authorities do and her refusal to bow down to abusive tactics as we were often taught in college.

Even when a teenager who is under charges for assaulting her own mother, can get away with an attack on the defendant in front of her children [leaving actual injuries preserved by photographs]. The police continue to deny the right to equal protection of the law.

Taylor who was staff at the warming room, Mary Lou Green and Rachel Carkner, the victim.

Q. Okay. I had told you when you arrested me that I had a criminal record, yet, you neglected to find this when it came to the Crown disclosure. Did you think I was making up stories then?

A. I don't recall you disclosing to me that you had a criminal record. However, I am aware that you did attend the police station sometime after that fact and, uh, - and spoke with one of the other members there stating that you thought that I was an incompetent police officer for not knowing that you had a criminal record under your maiden name. I was not aware of your maiden name.

Q. The maiden name was given to you on the sheets that I signed at the police station.

A. Well, my mistake again, ma'am.

Q. And also the Crown witness statement - the Crown witness criminal records that I requested were also, uh, done under the wrong people, so who is it that's responsible for those? Is it the Crown or would be the police?

A. Uh, those criminal record checks were done under their, uh, name of birth that would be on their driver's license,...

Q. No.

A. ...Mary Louise Green, Tami Taylor. I also did one under Tami Doherty as per your request and Rachel Alice Carkner.

Q. Bear with me while I find it here.

A. If I could add....

THE COURT: No.

ANDREA ARMSTRONG: Q. I don't even know what

I'm looking for anymore. I too confused now.

THE COURT: Sorry, I cannot hear you.

ANDREA ARMSTRONG: I'm not even sure what I'm looking for now. I'm getting too confused. What was the questions we were just dealing with?

THE COURT: It was on the issue of a search for criminal records of the witnesses.

ANDREA ARMSTRONG: Oh, yeah. It got taken outta' here this morning and I don't think it got put back in. Anyhow, I do have a letter somewhere. I'm sure the Crown probably has it listing those - those names I gave to you this morning showing that the wrong names were searched. Do you have that on you? The names that were searched was a Kathleen Green and a Sharon Doherty and those names are not even close to the witness' names so I've been failed disclosure on these witness statements.

THE COURT: Are those the names of the witnesses?

ANDREA ARMSTRONG: No.

MS. EBERHARD: We - what we did, Your Honour, and I'm going to try and find the - we gave a list of names of criminal records to search and we came back with information for all three. Ms. Green and Ms. Doherty or Ms. Taylor, same person, had no criminal records. We couldn't provide my friend with any information. My friend this morning also asked for, basically, a variation. Instead of

MISSING CRIMINAL RECORD checks

Criminal Record check Errors

5 Mary Louise Green, she wanted us to look up
Mary Lou Green. I did that, myself, this
morning. I went into the police station -
police office here. We did a search on Mary
Lou Green. We didn't - we - there was - there
are - there were no hits. There's nothing to
provide Ms. Armstrong with, no criminal
record. We also asked for a Tami Taylor-
Doherty as per Ms. Armstrong's request this
10 morning as we had done Tami Taylor and Tami
Doherty before and, again, nothing came up.
THE COURT: Very well. You next question.

15 ANDREA ARMSTRONG: What scares me because
they never found mine either. Q. Okay. Only
one witness now claims to actually have witnessed an assault
and your other - your - your other witness - one of your
other witnesses has changed her statement already and
discredited herself.

20 THE COURT: Just a moment. Is that a
question?

ANDREA ARMSTRONG: Yeah, hold on.

THE COURT: Well, no, I will not hold on.
You can split up....

ANDREA ARMSTRONG: Q. When you have....

25 THE COURT: Hold it.

ANDREA ARMSTRONG: Sorry.

THE COURT: You have already posed two
possible questions there. He cannot answer a
whole flock of questions. Has one of the
witnesses changed her story and recanted,...

30 A. No.

Q. ...as far as you know?

Judge has no patience for the unrepresented D to
look at her papers. BIAS

Witness Statement issues

25.
A. Hatton - cr-Ex.

ANDREA ARMSTRONG: Yes.

A. No, she has not.

THE COURT: All right.

5 A. One witness was, uh, in the area at the time and overheard the incident, did not witness the assault.

THE COURT: Did....

A. Her statement does not say that she witnessed the assault. Her statement, uh, - this is Mrs. Green's statement,...

10 THE COURT: Yes.

A. ...um, uh, gives - gives, uh, information regarding, uh, Ms. Armstrong's behaviour while at the warming room.

THE COURT: I see. All right.

15 A. Ms. Taylor's, uh, statement that she has written, uh, was that she observed the assault take place

THE COURT: All right. Your...

ANDREA ARMSTRONG: Would...

THE COURT: ...question?

20 ANDREA ARMSTRONG: ...you like to have a look at the notebook entry?

THE COURT: I am not interested in that.

25 ANDREA ARMSTRONG: Q. Well, the notebook entry says that mom came in and hit her, said that Rachel had stole something from her, so she's say - she's making it look like she think I hit her. She's not saying it as hearsay.

A. That is my notebook entry made at the time, uh, that I'm entering onto a scene. The witness statements that are provided as written out by Mrs. Green and Mrs., uh, Taylor would state 100 percent their involvement in 30 this incident.

Q. But just to - for the court to notice that

The judge is covering up that the notebook says **"mom came in and hit her"** but does not say she did not see it. Judge refuses to allow defendant to go over the revised statement.

Motion to throw out statements? MISTRIAL ?

The witness has clearly changed her statement from incident to trial questioning her reliability

Ms Taylors statement is perjured as **she was behind an office divider on the opposite side of the room sitting odwn at a desk on the phone and surrounded by people (independent witnesses they did not collect statements or info from)**

CONFIRMATION BIAS exists from the beginning of the "investigation", a total frame-up

The judge is clearly 'NOT INTERESTED' in anything exculpatory. BIAS

The witness statements Hatton refers to are from 2 months AFTER incident and far from 100% reliable that long after event

"Mom came in and hit her" this statement clearly changes

Actually the defendant was there for an hour, even tried to eat dinner with her children, but the chili was too spicy due to an inexperienced volunteer adding far too many chili flakes, which strengthened in taste as it simmered. It was inedible for most people.

Carkner was the one who had recently arrived and parked herself at the computer I was told she comes to use everyday.

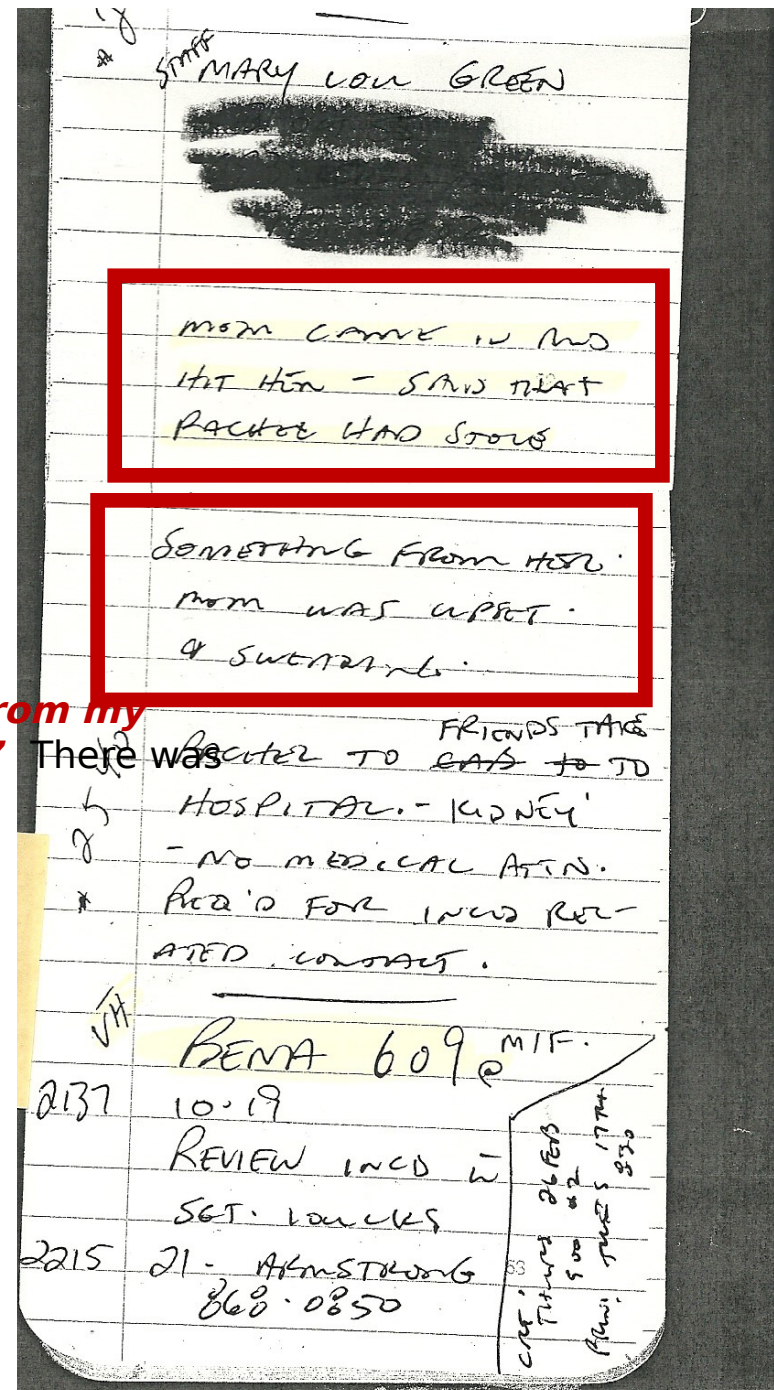
In hindsight it was likely an undercover cop who lead to defendant with that information to the drop-in center. I had no other reason to attend except to retrieve the stolen item. I had

Defendant clearly stated that **Rachel "had stolen a cell phone charger from my old daughter and was lying about having cancer to avoid returning it"**

WARNING, not even by CARKNER as the audience was inappropriate for swearing.

Defendant was simply warning the others that Carkner is a scam who falls as low as stealing an item a child has bought with her money. She also steals the item shortly after the child has had a "loss of life" due to the death of her young friend in the fire. The media quotes the defendant's daughter as being "like a sister" to the deceased toddler she carpooled to daycare/school.

Defendant continues to use the cancer scam for years to steal and defraud people, getting discharge after discharge and peace bonds. Authorities left everyone of her victims at risk, even the adoptive parents of her children.



on this thing, it seems like she is talking because it's mom came in and hit her so, from what I understand, that is a change of story from what was originally said the night of the incident because, from my reporting experience working security, you're not supposed to be putting hearsay in your notebook.

A. Ms. Armstrong,....

Q. You're supposed to be saying what...

THE COURT: Just a moment.

ANDREA ARMSTRONG: Q. ...the people said exactly.

THE COURT: Just - are you going to argue with this witness or ask questions?

ANDREA ARMSTRONG: No, I'm ask - try to ask questions.

THE COURT: Put another question, please.

ANDREA ARMSTRONG: Q. Did you not think that it was unusual or deceitful for someone to hide an item they claimed ownership and not claim the wallet that she also - not hide the wallet that she also claimed I was trying to get?

A. As, again, as it was explained to me by Rachel that you were pulling her wallet and the cell phone charger. She was aware that you were after her cell phone charger. Uh, when she went into the bathroom, she was concerned that if she had the cell phone charger on her that you were gonna' continue to come after her so she explained that, uh, in order for her have you stop pursuing her, she hid the cell phone charger so that you would not try to take it from her.

Q. Did you not think that it was unusual for a pregnant alleged assault victim to make the effort to climb

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A. Hatton - cr-Ex.

up precariously on a toilet seat reaching beyond my own reach to hide a cell phone charger she claimed was hers on a pipe over the other side of the stall just moments after being allegedly assaulted?

5 THE COURT: The question is did you think this was strange?

A. No, I did not.

THE COURT: Your next question, please.

10 ANDREA ARMSTRONG: Q. If she was so concerned about her unborn child, why would she be balancing herself on a toilet seat and reaching over to an inaccessible area?

A. I cannot answer that question. I'm not Rachel Carkner.

15 Q. Do you not find it suspicious that she felt she needed to conceal the item?

A. No, I don't. I feel that she felt threatened, uh, that someone was trying to take that item from her, so she tried to hide the item so that she wouldn't have somebody pursuing her.

20 Q. Did you ever consider that, maybe, the alleged victim scratched herself in attempt to hide and being detected for the stolen property charge?

A. No, I had not.

Q. Did you ever consider that she may have 25 scratched herself while reaching around to this cut off pipe to hang the pipe charger - the phone charger on it?

A. Ms. Carkner did not complain of having any scratches.

Q. Uh, what are the scratches on her wrist 30 that are in this evidence?

THE COURT: They were simply red marks.

P.53
PERJURY
Cop says
she did not
keep in contact

out of two months worth of rent and...

THE COURT: Well, that is....

ANDREA ARMSTRONG: Q. ...when she did get
the thing, it was....

THE COURT: Is the landlord here?

ANDREA ARMSTRONG: No, because I couldn't get
an address to...

THE COURT: Well,....

ANDREA ARMSTRONG: ...subpoena her.

THE COURT: All right. This officer...

ANDREA ARMSTRONG: Anyway....

THE COURT: ...would not know that. That is
not a question.

ANDREA ARMSTRONG: Q. If she had not...

THE COURT: Ask....

ANDREA ARMSTRONG: ...been at that....

THE COURT: Ask questions, please.

ANDREA ARMSTRONG: Okay. Q. If she had not
been at that address, could you not have told me that I was
okay to be by there considering I'm - I'm a block away most
of the time? It would have taken a little bit of my
stress...

A. If Rachel,...

Q. ...off of me.

A. ...the victim of the matter, states to me
that that is her address, then it is common practice for a
police officer to include that address on the Undertaking to
keep the accused away from the victim.

Q. And did she keep in contact with you so
you were able to subpoena her?

A. No.

Q. How were you able to subpoena her then?

29.
A. Hatton - cr-Ex.

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you were able to subpoena her?

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Q. How were you able to subpoena her then?

P 53 : "did not keep in contact", Impeaches
complainant's testimony

Complainant never has , nor never will live @ the
Park St. address (scammed the landlord, never
took residency)

A. I don't issue the subpoena. I'm not....

Q. Anybody?

MS. EBERHARD: I'm not giving evidence.

ANDREA ARMSTRONG: She must have been subpoenaed somewhere. Be nice to know if she was subpoenaed in handcuffs.

THE COURT: Well, we will find out.

MS. EBERHARD: That's a question that she can put to Ms. Carkner, herself,...

THE COURT: That is right.

MS. EBERHARD: ...when Ms. Carkner gives evidence.

ANDREA ARMSTRONG: Q. How much experience have ya' had of a police officer that would enable you to determine when someone is lying to avoid detection in investigation and charges for committing a crime, themselves?

A. How much experience? Is...

Q. Yeah.

A. ...that the question? Uh, I would say three years of experience in September.

Q. How often does the Peterborough Police Force use polygraphs?

A. I'm not aware that they use polygraphs.

Q. At all?

A. I have never been involved with the use of polygraph.

Q. How many officers do they have that read the validity of statements?

A. I do not know the answer to that question.

Q. In your experience, have you ever known anyone to text a police officer for assistance in retrieving a stolen item only hours later an alleged assault? Do you

➤ It was Never answered if brought to court involuntarily, or came of her own freewill

think someone would warn a police officer they were gonna' be somewhere at a certain time to collect a stolen item and then go and assault somebody?

5 THE COURT: I do not understand that...

ANDREA ARMSTRONG: Well,...

THE COURT: ...question.

ANDREA ARMSTRONG: ...it - it works to intent. I did not have any intent to assault anybody. I had - my intent was to go and retrieve a stolen item and I...

10 THE COURT: All right.

ANDREA ARMSTRONG: ...had text messaged a police officer that I have dealings with...

THE COURT: All right.

15 ANDREA ARMSTRONG: ... - legitimate dealings with.

THE COURT: Let's just stop. You see, that is about four questions. Did she say that she did not intend to commit an assault but, merely, to retrieve a stolen item? Was that her position?

20 ANDREA ARMSTRONG: Yes.

THE COURT: I am asking the officer...

ANDREA ARMSTRONG: Sorry.

25 THE COURT: ...your question. Was that roughly what she - what the defendant told you that she did not intend to assault - commit an assault but, merely, to retrieve an item she said was stolen?

A. Your Honour, I was never informed of that

30 Ms. Armstrong.

THE COURT: All right. Your next question,

please.

ANDREA ARMSTRONG: Q. Have you ever known anybody to warn a police officer before they go and commit a crime?

A. No, I have not.

Q. So that would speak to intent, I would think. Um, how did you feel about the complaints in regards to your, uh, misconduct that I put in?

THE COURT: How he feels about that is of no relevance to the case.

ANDREA ARMSTRONG: Q. When you arrested me, what was my attitude about being arrested for something? Was I surprised, shocked?

A. I would say you were somewhat surprised, yes.

Q. Uh, was I expect - I was expecting to pick up a phone charger at the time and I did not, did I?

A. No, you were not expected to pick up a phone charger at that time.

Q. And I had my two children with me, as well,...

A. You....

Q. ...at the time.

THE COURT: Just let him - do not interrupt his answers, please.

A. Uh, it was scheduled that we - we would meet to discuss, uh, the outcome of the investigation for theft.

ANDREA ARMSTRONG: Q. So, obviously, I had no idea I was being investigated for assault when I show up at the police station with my kids and, obviously, had no idea I was being arrested.

Ambushed the defendant late at night, while her children were

present. There was no pressing urgency to arrest the defendant.

The police continue similar abusive tactics in front of her children for years to come, even editing her children's presence out of an arrest audio.

THE COURT: Well, he cannot answer that. Did she show up with two kids?

A. Yes, she did.

5 ANDREA ARMSTRONG: Q. Did I also explain to you at that time that I didn't understand the charges because the only thing that you could have charged me with was causing a disturbance for the yelling that I did?

A. Under the circumstances, the evidence that I had received from the parties involved here was that of a
10 charge of assault.

Q. And how often do you usually go ahead and prosecute charges when there's actually only one witness who witnessed any kind of physical....

15 THE COURT: Well, I think his evidence so far has been that there were three witnesses; one of whom only heard what was going on, another one who visually saw and then the complainant, herself, so your question simply does not fit the evidence we have heard so far, so your next questions, please.

20 ANDREA ARMSTRONG: I think that's about it.

THE COURT: Any re-examination?

ANDREA ARMSTRONG: I may wanna' call him again later.

25 THE COURT: Any re-examination?

MS. EBERHARD: No.

THE COURT: Thank you, officer. You may step down. We will take our morning recess at this moment. It will be 20 minutes. Thank you.

30 R E C E S S

Resources

Case Law

R v Rowbotham > application for legal counsel

R v Pino > evidence obtained in manner infringing Charter rights

'obtained in a manner that infringes or denied any rights or freedoms guaranteed by the Charter'

violates the defendant's right to a fair trial *R v Pino*, 2016 [ONCA]389
S 24(2) charter violation